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OFFICE OF PETITIONS

In re Application of
Petrus Cornelius Jozef Beentjes
Application No. 09/341,637
Filed: September 3, 1999
Attorney Docket No. APV30918
Title: METHOD AND APPARATUS FOR
STRIP-COATING A METALLIC STRIP-
SHAPED SUBSTRATE WITH A PLASTIC
BAND AND STRIP THUS OBTAINED

DECISION ON PETITION

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This is a decision on the petition filed on December 28, 2001, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed May 18, 2001, which set a shortened statutory period for reply of three (3) months. On August 23, 2001, an after final amendment was received, along with an information disclosure statement and a one-month extension of time under the provisions of 37 CFR §1.136(a). This response was considered by the Examiner, and was not deemed to place the application in condition for allowance. An advisory action was mailed to the applicant on September 19, 2001, with an indication that the period for response expired four months from the mailing date of the final rejection. No further

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

extensions of time under the provisions of 37 CFR §1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 19, 2001.

~~37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.~~

With the instant petition, petitioner has submitted the required reply in the form of the filing of a continued prosecution application (CPA), has paid the petition fee as well as the fee associated with the filing of a CPA, and has made a statement which is being construed as the proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of the CPA application, 09/341,637.

The application file is being forwarded to Technology Center for processing of the CPA filed with the instant petition.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Paul Shanoski
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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